

REMARKS/ARGUMENTS

Claims 25-27 have been canceled by way of amendment. Claims 9, 11, and 17 have been amended. Claims 28-30 are new. Support for these claims can be found in the specification at page 4, line 29, through page 6, line 14, as well as throughout the specification and original claims. No new matter was added by way of these amendments. Claims 1-9, 11-12, 14-15, 17-20, and 28-30 are presently pending.

Claim Objections

As suggested by Examiner, and in an effort to place the application in condition for allowance, Applicants have amended claim 9, subparts (a) and (b) in order to reflect the singular "chromosome", consistent with the language of subpart (c). Additionally, claim 11 was amended to replace "an" with "a" preceding the word "rAAV". In view of these amendments, Applicants respectfully request that Examiner allow these claims to pass to issue.

Claim Rejections

Examiner rejects claims 25-27 under 35 U.S.C. 112, first paragraph and second paragraph for reciting a "system" for producing recombinant adeno-associated virus.

Applicants are canceling these claims, without prejudice, to accelerate allowance of the remaining claims. Applicants reserve the right to pursue this subject matter in a continuation application.

Appl. No. 09/665,852
Response Dated: September 21, 2004
Reply to Office Action of June 21, 2004

Examiner has rejected claim 17 under 35 U.S.C. 112, second paragraph, as vague and indefinite with respect to the recitation of E1a, E1b, and E2a. Claims 18-20 depend from claim 17.

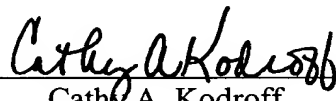
Applicants have amended the clauses of claim 17 to read "said minimum adenovirus DNA required to express an [E1a/E1b/E2a] gene product" in order to clarify that it is the E1a/E1b/E2a adenovirus DNA that is linked to the given promoters. These amendments are consistent with the language of claim 1 (subpart (c)), from which claim 17 depends. In view of these amendments, Applicants respectfully request withdrawal of this rejection.

Claims 1-8, 12, and 14-15 are allowed.

In view of the amendments and remarks above, Applicants respectfully request that Examiner withdraw all outstanding objections and rejections and allow the application to pass to issue. The Director is hereby authorized to charge any deficiency or credit any overpayment in any fee due with this paper to our deposit account number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for Applicants

By 
Cathy A. Kodroff
Registration No. 33,980
Spring House Corporate Center
Box 457
Spring House, PA 19477
(215) 540-9200